IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Civil Revision No. 41 of 2006

1. State of Uttaranchal through
   Secretary Department of Home affairs,
   Dehradun
2. The Senior Superintendent of Police, Dehradun
3. The Principal Secretary
   Department of Revenue
   State of Uttaranchal
   Dehradun ... Revisionist

Vs

1. Civil Judge (Senior Devision), Dehradun
2. Smt. Shanti Devi
   W/o Late Hari Singh
   R/o Hanuman Chowk,
   Dehradun
3. Ranjeet Singh
   S/o Sri Late Hari Singh
   R/o Hanuman Chowk,
   Dehradun ... Respondents

Sri R.C. Arya, learned counsel for the State

Hon'ble B.C. Kandpal, J.

This revision has been preferred by the State under Section 115 of C.P.C. against the judgment and order dted 28.11.2005 passed by Civil Judge (Senior Division), Dehradun in Civil Suit No. 514 of 2004 whereby the application No. 45C para No. moved by third party under order 1 Rule 10 C.P.C. for their impleadment in the suit has been allowed.

2. Heard learned Standing Counsel for the State and perused the impugned judgment and order passed by the court below.

3. The finding recorded by the court below in allowing the application 45C which was filed for impleadment of Smt. Shanti Devi and Ranjeet Singh as party in the suit is

absolutely justified as the trial court has recorded the categorical finding that the earlier suit which was filed by the applicants for eviction was decreed and whatever the decree would be passed in present suit will certainly affect the right of the applicants therefore, they are necessary parties to be impleaded as a party in the suit.

5. I do not find any illegality, impropriety in the impugned order passed by the court below. The revision lacks merit and is liable to be dismissed.

6. Accordingly, the revision is dismissed in-limine.

7. However, the trial court is directed to dispose of the suit without any unreasonable delay.

(B.C. Kandpal, J.)

30.10.2006
ASWAL